

AMENDED IN SENATE AUGUST 28, 2006

AMENDED IN SENATE MAY 11, 2006

AMENDED IN SENATE MARCH 21, 2006

AMENDED IN ASSEMBLY MAY 9, 2005

AMENDED IN ASSEMBLY MAY 2, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1457

Introduced by Assembly Member Baca

February 22, 2005

An act to amend Section 40425 of the Health and Safety Code, relating to state property, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1457, as amended, Baca. State property: transfer restrictions: City of San Bernardino.

~~In~~

(1) In 1991, the ~~State of California~~ state, through the Director of General Services, conveyed certain real property to the City of San Bernardino on the condition that it only be used for park purposes in perpetuity unless the Legislature, by specific act, permitted other use, sale, or disposition of that property. The deed was recorded on January 15, 1992, and transferred to the city 9 specified parcels known as the Seccombe Lake Park within the County of San Bernardino.

This bill would authorize the City of San Bernardino to transfer a portion of the property, not to exceed 12.5 acres, to the

Redevelopment Agency of the City of San Bernardino for sale for private development provided that specified conditions are met, including, among other things, that equivalent acreage *of replacement parkland* is acquired *and developed* within reasonable proximity to Seccombe Lake Park ~~and exclusively for park purposes~~ that the Department of General Services reviews and approves the appraisal, conveyance, and acquisition documents, *and that the city adopt a resolution detailing an improvement and maintenance plan for the park.*

(2) *Existing law establishes a south coast district board with specified duties related to air quality in the South Coast Air Basin and provides that no member of the board shall serve more than 2 consecutive terms as chairperson of the board.*

This bill would delete the restriction on the number of terms a board member may serve as chairperson.

~~This~~

(3) *This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 40425 of the Health and Safety Code is
2 amended to read:

3 40425. The south coast district board shall elect a ~~chairman~~
4 *chairperson* every two years from its membership. ~~No member~~
5 ~~shall serve more than two consecutive terms as chairman.~~

6 ~~SECTION 1.~~

7 SEC. 2. (a) The Legislature authorizes, pursuant to the
8 requirements of that certain quit claim deed to the City of San
9 Bernardino dated December 5, 1991, and recorded on January
10 15, 1992, as No. 92-016139, and also known as the Seccombe
11 Lake Park, the City of San Bernardino to transfer ~~all or any a~~
12 portion of the property, *not to exceed 12.5 acres*, so conveyed to
13 the Redevelopment Agency of the City of San Bernardino for
14 sale for private development purposes, provided that the sale
15 meets all of the following conditions:

16 ~~(1) The City of San Bernardino does both of the following:~~

17 ~~(A) Complies~~

1 *(1) The City of San Bernardino and the Redevelopment*
2 *Agency of the City of San Bernardino shall prepare a detailed*
3 *land plan showing which specific parcels of the property referred*
4 *to in this section will be sold and which properties elsewhere in*
5 *the City of San Bernardino will be acquired or developed, or*
6 *both, with the proceeds of the sale of the parkland. The land plan*
7 *shall include a provision requiring the City of San Bernardino to*
8 *implement the land plan in accordance with the requirements of*
9 *this section.*

10 *(2) The land plan and the environmental review shall*
11 *demonstrate that there is no net loss in park acreage as a result*
12 *of the implementation of the plan. If the sale of property and the*
13 *acquisition of replacement parkland results in any loss of*
14 *parkland within the City of San Bernardino, the city shall, within*
15 *the times specified in subparagraphs (A) and (B), acquire or*
16 *dedicate, or both, additional parkland within the city to*
17 *compensate for that loss. The additional parkland shall be*
18 *developed and dedicated in perpetuity for park purposes.*

19 *(A) For the portions of the replacement parkland that may be*
20 *owned by the City of San Bernardino or the Redevelopment*
21 *Agency of the City of San Bernardino as of January 1, 2006, the*
22 *city shall, prior to the actual transfer of title of any portion of the*
23 *Seccombe Lake Park to the redevelopment agency, complete both*
24 *of the following:*

25 *(i) The city shall have complied with the Public Park*
26 *Preservation Act of 1971 (Chapter 2.5 (commencing with Section*
27 *5400) of Division 5 of the Public Resources Code), and submits*
28 *submitted to the Department of Parks and Recreation evidence of*
29 *compliance, including, but not limited to, a copy of the recorded*
30 *deed and title policy for, and map of, the substitute park land*
31 *parkland required pursuant to that act.*

32 ~~*(B) Submits*~~

33 *(ii) The city shall have submitted a revised map of Seccombe*
34 *Lake Park, with the revised acreage to the Department of Parks*
35 *and Recreation.*

36 ~~*(2) The*~~

37 *(B) For the portions of the replacement parkland that are not*
38 *presently owned by the City of San Bernardino or by the*
39 *Redevelopment Agency of the City of San Bernardino as of*
40 *January 1, 2006, by a date not later than two years after the sale*

1 *of the portion of Seccombe Lake Park authorized for private*
2 *development purposes, the City of San Bernardino and the*
3 *Redevelopment Agency of the City of San Bernardino—acquire*
4 *shall acquire the fee title for and develop for park purposes the*
5 *equivalent acreage of replacement parkland in one or two parcels*
6 *within reasonable proximity to Seccombe Lake Park for the sole*
7 *and exclusive purpose of utilizing the replacement parkland for*
8 *park purposes in accordance with the Public Park Preservation*
9 *Act of 1971.*

10 ~~(3) The City of San Bernardino and the Redevelopment~~
11 ~~Agency of the City of San Bernardino prepare a detailed land~~
12 ~~plan showing which specific parcels of the property referred to in~~
13 ~~this section will be sold and which properties elsewhere in the~~
14 ~~City of San Bernardino will be acquired with the proceeds of the~~
15 ~~sale as replacement parkland.~~

16 ~~(4) The land plan and the environmental review demonstrate~~
17 ~~that there is no net loss in park acreage as a result of the~~
18 ~~implementation of the plan. If the sale of property referred to in~~
19 ~~this section and the acquisition of replacement parkland as~~
20 ~~authorized by paragraph (1) results in any net loss of parkland~~
21 ~~within the City of San Bernardino, the City of San Bernardino~~
22 ~~shall acquire or dedicate additional parkland within the City of~~
23 ~~San Bernardino to compensate for that loss and shall dedicate in~~
24 ~~perpetuity the additional land for park purposes.~~

25 ~~(5) The City of San Bernardino conducts a public hearing~~

26 ~~(3) The City of San Bernardino shall conduct a public hearing~~
27 ~~before the city council for the purpose of review of the land plan~~
28 ~~and for taking public comment. The hearing shall be scheduled~~
29 ~~for a specific time during a regularly scheduled meeting of the~~
30 ~~city council and shall be separately noticed and publicized.~~

31 ~~(6)~~

32 ~~(4) The City of San Bernardino or the Redevelopment Agency~~
33 ~~of the City of San Bernardino, prior to closing any real property~~
34 ~~transactions with respect to any sales pursuant to the land plan,~~
35 ~~shall submit an independent appraisal of the land to be sold and~~
36 ~~the replacement land to be acquired, developed, or both, to the~~
37 ~~Department of General Services for concurrence with state~~
38 ~~appraisal standards. This appraisal shall be made available to the~~
39 ~~public.~~

40 ~~(7)~~

(5) All land acquired or dedicated, including land previously acquired by the state and transferred to the City of San Bernardino, other than land identified for sale pursuant to the land plan, shall be protected in perpetuity by recordation of public park use restrictions at the time of purchase or dedication, and, in the case of properties previously acquired from the state that are intended to remain public parkland, within 60 days after approval of the land plan by the City of San Bernardino *or within 60 days of the acquisition of the replacement parkland*. The City of San Bernardino shall not sell or acquire land pursuant to this section unless and until the council approves the land plan specified in ~~paragraph (2)~~ *subparagraph (B)* and the Department of General Services reviews and approves the appraisal, conveyance, and acquisition documents. The city shall reimburse the Department of General Services and the Department of Parks and Recreation for any costs or expenses associated with their review and approval of the appraisal, conveyance, and acquisition documents.

(b) All transactions that occur pursuant to this section shall comply with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(c) *Notwithstanding any other provision of this section, the final transfer and recording of any portion of Seccombe Lake Park shall not occur until after the City of San Bernardino has done both of the following:*

(1) Acquired the replacement parkland and developed it as a park.

(2) Adopted a resolution detailing an improvement and maintenance plan for Seccombe Lake Park and all replacement parkland.

(d) *It is the intent of the Legislature that the transfer of property authorized by this section is contingent on the City of San Bernardino providing adequate funding for operation and maintenance of Seccombe Lake Park and all replacement parkland.*

~~SEC. 2.~~

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety

1 within the meaning of Article IV of the Constitution and shall go
2 into immediate effect. The facts constituting the necessity are:
3 In order that the people of the state may have the benefit of a
4 more appropriate use of existing park and open-space lands, *and*
5 *that the restriction may be removed that limits the number of*
6 *terms that a member of the governing board of the South Coast*
7 *Air Quality Management District may serve as chairperson of*
8 *that board*, as soon as possible, it is necessary that this act take
9 effect immediately.

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